

ENTERED

May 13, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HOUSTON CIGAR ALLIANCE,

Plaintiff,

VS.

OFFICIAL HOUSTON CIGAR
WEEK LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. H-20-4115

ORDER

Houston Cigar Alliance filed a motion for contempt, alleging that Official Houston Cigar Week and Elias Papillion violated this court's April 21 preliminary injunction by naming their cigar event "Texas Cigar Week." (Docket Entry No. 61). Given the short time between this event and the Alliance's event, the shared location in Houston, the nearly identical targeted audience, and the advertisement used by the defendants, which included advertising their event as "Texas Cigar Week Houston," the court finds that the defendants' event title is confusingly similar to the Alliance's "Houston Cigar Week." The court also finds that the defendants chose "Texas Cigar Week" in a deliberate attempt to circumvent this court's injunction.

If the defendants go forward with their Texas Cigar Week event, they must segregate all revenue from the event and place it into an interest-bearing account, until the court can determine whether the revenue, or some portion of it, must be disgorged.

The court also orders Papillion to deactivate the following social-media accounts by 5:00 p.m. (CT) on May 12, 2021:

- Facebook

- Facebook.com/htowncigarweek
 - Facebook.com/officialhoustoncigarweek
 - The Houston Cigar Week/Texas Cigar Week group
- Instagram
 - Texascigarweek
 - Texascigarweek_
 - Texascigar_week
 - Texascigarweekllc
- TikTok
 - Texascigarweek
- Other Websites
 - Houstoncigarweek-llc.square.site
 - Linktr.ee/houstoncigarweek

By 5:00 p.m. (CT) on May 12, 2021, Papillion must remove all posts and content that reference Houston Cigar Week and Texas Cigar Week from the following social-media accounts:

- Facebook
 - Elias Papillion's personal account
 - Stixx and Stonez
- Instagram
 - smokeyeli
 - richpapillion
 - Stixx_and_stonez
- Other websites

- houstoncigarfestival.com

The defendants must download, or otherwise preserve, the existing posts and content on these social-media pages. The defendants must track the steps they take to comply with this order and certify to the court and the Alliance that they have complied fully with this order.

SIGNED on May 11, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Lee H. Rosenthal
Chief United States District Judge